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Attorneys for Defendant
TRANSUNION LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NOEMIA CARVALHO, on behalf of herself
and other similarly situated people,

Plaintiff,

vs.

CREDIT CONSULTING SERVICES, INC.,
dba CCS, EQUIFAX CREDIT
INFORMATION SERVICES, LLC,
EXPERIAN INFORMATION SOLUTIONS,
INC., TRANS UNION LLC, and DOES 1-50,
inclusive,

Defendants.

Case No. 5:08-cv-01317-JF-HRL

**DECLARATION OF DARIUS K.C.
ZOLNOR IN SUPPORT OF
DEFENDANTS' JOINT MOTION TO
CONTINUE HEARING DATE AND
EXTEND TIME TO FILE OPPOSITION
TO PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION**

Date: No Hearing Requested
Time: No Hearing Requested
Location: Courtroom 3

LA 51079519v1

DECLARATION OF DARIUS K.C. ZOLNOR IN SUPPORT OF DEFENDANTS' JOINT MOTION TO CONTINUE
HEARING DATE AND EXTEND TIME TO FILE OPPOSITION TO PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION

1 I, Darius K.C. Zolnor, hereby declare as follows:

2 1. I am admitted to practice before this Court and am an associate of Stroock &
3 Stroock & Lavan LLP ("Stroock"), counsel for defendant TransUnion LLC ("TransUnion") in this
4 action. I submit this Declaration in support of Defendants' Joint Motion to Continue Hearing Date
5 and Extend Time to File Opposition to Plaintiff's Motion for Class Certification. The facts set
6 forth herein are true of my own personal knowledge, except where based upon my review of the
7 pleadings and other papers in this action. If called as a witness, I could and would competently
8 testify thereto.

9 2. On Monday, July 21, 2008 at 5:38 p.m., pursuant to this Court's Standing Order
10 Regarding Case Management in Civil Cases, I sent an e-mail to Ron Bochner, counsel to plaintiff
11 Noemia Carvalho ("Plaintiff"), regarding scheduling of the hearing on TransUnion's Motion for
12 Summary Judgment ("MSJ"), which TransUnion had decided it wanted heard by the Court prior to
13 any motion for class certification. In that e-mail, I informed Mr. Bochner that August 29, 2008 was
14 the hearing date TransUnion intended to select, and asked whether scheduling the hearing for that
15 date would cause him undue prejudice.

16 3. Later that afternoon, at 5:55 p.m., Mr. Bochner responded via e-mail, and wrote: "I
17 have something that day, plus you need to get dates from the court before contacting me."

18 4. On Tuesday, July 22, 2008 at 4:07 p.m., I responded via e-mail to Mr. Bochner,
19 indicated that October 10, 17 and 24, 2008, also were available for the hearing and asked Mr.
20 Bochner to indicate which of those dates his schedule accomodated.

21 5. Mr. Bochner responded via e-mail at 4:52 p.m., indicating he would "check."

22 6. After hearing nothing from Mr. Bochner for almost two weeks, I followed up with
23 him via e-mail on August 4, 2008 at 1:16 p.m. I again asked him to identify an acceptable date for
24 the hearing on TransUnion's MSJ.

25 7. Mr. Bochner replied via e-mail that day at 5:28 p.m., and said, among other things,
26 "Please don't waste the court's time and mine with a frivolous motion."
27

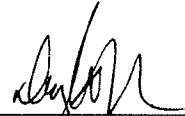
1 8. I sent Mr. Bochner another e-mail that afternoon at 5:43 p.m., again asking him to
2 indicate which date was agreeable to him.

3 9. Mr. Bochner responded via e-mail at 5:48 p.m. and proclaimed that he would file
4 Plaintiff's motion for class certification to be heard on September 26, 2008. In turn, Mr. Bochner
5 finally indicated that October 24, 2008 would be acceptable for the hearing on TransUnion's MSJ.

6 10. A copy of the e-mail chain containing the communications described above is
7 attached hereto as Exhibit A.

8 11. TransUnion noticed the hearing on its MSJ for September 26, 2008 based on
9 Plaintiff's indication she intended to have her Motion for Class Certification heard, and thus was
10 available, that day.

11 I declare under penalty of perjury under the laws of the United States of America the
12 foregoing is true and correct. Executed this 27th day of August 2008 at Los Angeles, California.

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15 Darius K.C. Zolnor
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EXHIBIT “A”

Zolnor, Darius K.

Subject: RE: Carvalho v. Credit Consulting Services, Inc.. et al.

From: ron bochner [mailto:robolawoak@yahoo.com]

Sent: Monday, August 04, 2008 5:48 PM

To: Zolnor, Darius K.

Subject: RE: Carvalho v. Credit Consulting Services, Inc.. et al.

We will be filing for class certification hearing on September 26, 2008. I suspect it would be better not to proceed with your intended motion until that is heard, but we can do October 24, 2008.

--- On **Mon, 8/4/08, Zolnor, Darius K.** <dzolnor@stroock.com> wrote:

From: Zolnor, Darius K. <dzolnor@stroock.com>

Subject: RE: Carvalho v. Credit Consulting Services, Inc.. et al.

To: robolawoak@yahoo.com

Cc: "Newman, Stephen J." <snewman@stroock.com>, "Frontino, Brian" <bfrontino@stroock.com>

Date: Monday, August 4, 2008, 5:43 PM

Dear Ron:

We do not file frivolous motions. Please advise as to which date is agreeable to you. Thank you.

Sincerely,

Darius K.C. Zolnor, Esq. ! Stroock & Stroock & Lavan LLP ! 2029 Century Park East,
Los Angeles, CA 90067 ! p: (310) 556-5886 ! f: (310) 556-5959 ! dzolnor@stroock.com

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From: ron bochner [mailto:robolawoak@yahoo.com]

Sent: Monday, August 04, 2008 5:28 PM

To: Zolnor, Darius K.

Subject: RE: Carvalho v. Credit Consulting Services, Inc.. et al.

How can you file such a motion while your discovery is pending? Please don't waste the court's time and mine with a frivolous motion. We will be moving for class certification soon. Please

8/27/2008

send me any and all responses you received to your subpoena. And please cc a partnership level attorney with all emails you send me. Atty. Ron Bochner.

--- On Mon, 8/4/08, Zolnor, Darius K. <dzolnor@stroock.com> wrote:

From: Zolnor, Darius K. <dzolnor@stroock.com>
Subject: RE: Carvalho v. Credit Consulting Services, Inc.. et al.
To: robolawoak@yahoo.com
Cc: "Frontino, Brian" <bfrontino@stroock.com>
Date: Monday, August 4, 2008, 1:16 PM

Dear Ron:

Please let me know which of the dates below works for you. We have not seen any documents yet.

Thank you,

Darius K.C. Zolnor, Esq. ! Stroock & Stroock & Lavan LLP ! 2029 Century Park East,
Los Angeles, CA 90067 ! p: (310) 556-5886 ! f: (310) 556-5959 ! dzolnor@stroock.com

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From: ron bochner [mailto:robolawoak@yahoo.com]
Sent: Tuesday, July 22, 2008 4:52 PM
To: Zolnor, Darius K.
Subject: RE: Carvalho v. Credit Consulting Services, Inc.. et al.

I'll check. Did you folks get any documents from Blue Shield? We never had an oppty to request a copy. Atty. Ron Bochner.

--- On Tue, 7/22/08, Zolnor, Darius K. <dzolnor@stroock.com> wrote:

From: Zolnor, Darius K. <dzolnor@stroock.com>
Subject: RE: Carvalho v. Credit Consulting Services, Inc.. et al.
To: robolawoak@yahoo.com
Cc: "Newman, Stephen J." <snewman@stroock.com>, "Frontino, Brian" <bfrontino@stroock.com>
Date: Tuesday, July 22, 2008, 4:07 PM

Dear Ron:

October 10, 17 and 24, 2008 are also available. Please let us know which works for you.

Sincerely,

Darius K.C. Zolnor, Esq. ! Stroock & Stroock & Lavan LLP ! 2029 Century Park East,
Los Angeles, CA 90067 ! p: (310) 556-5886 ! f: (310) 556-5959 ! dzolnor@stroock.com

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From: ron bochner [<mailto:robolawoak@yahoo.com>]
Sent: Monday, July 21, 2008 5:55 PM
To: Zolnor, Darius K.
Subject: Re: Carvalho v. Credit Consulting Services, Inc.. et al.

I have something else that day, plus you need to get dates from the court before contacting me.
Atty. Ron Bochner

--- On **Mon, 7/21/08, Zolnor, Darius K.** <dzolnor@stroock.com> wrote:

From: Zolnor, Darius K. <dzolnor@stroock.com>
Subject: Carvalho v. Credit Consulting Services, Inc.. et al.
To: robolawoak@yahoo.com
Cc: "Newman, Stephen J." <snewman@stroock.com>, "Frontino, Brian" <bfrontino@stroock.com>
Date: Monday, July 21, 2008, 5:38 PM

Dear Ron:

We intend to select Friday, August 29, 2008 for hearing on TransUnion's forthcoming Motion for Summary Judgment. Pursuant to Judge Fogel's Standing Order Regarding Case Management in Civil Cases, please confirm to us that scheduling the hearing for that date will not cause you undue prejudice. If we do not hear from you by the close of business on Thursday, July 24, 2008, we will assume that it will not.

8/27/2008

Sincerely,

Darius K.C. Zolnor, Esq. ! Stroock & Stroock & Lavan LLP ! 2029 Century Park East,
Los Angeles, CA 90067 ! p: (310) 556-5886 ! f: (310) 556-5959 ! dzolnor@stroock.com

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by the IRS in Circular 230, we inform you that any tax advice contained in
this communication (including any attachment that does not explicitly state
otherwise) is not intended or written to be used, and cannot be used, for the
purpose of (i) avoiding penalties under the Internal Revenue Code or (ii)
promoting, marketing or recommending to another party any transaction or
matter addressed herein.

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IRS Circular 230 Disclosure: To ensure compliance with requirements imposed
by the IRS in Circular 230, we inform you that any tax advice contained in
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otherwise) is not intended or written to be used, and cannot be used, for the
purpose of (i) avoiding penalties under the Internal Revenue Code or (ii)
promoting, marketing or recommending to another party any transaction or
matter addressed herein.

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8/27/2008

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IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by
the IRS in Circular 230, we inform you that any tax advice contained in this
communication (including any attachment that does not explicitly state otherwise)
is not intended or written to be used, and cannot be used, for the purpose of (i)
avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing
or recommending to another party any transaction or matter addressed herein.
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IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the
IRS in Circular 230, we inform you that any tax advice contained in this communicat
(including any attachment that does not explicitly state otherwise) is not intended
written to be used, and cannot be used, for the purpose of (i) avoiding penalties u
the Internal Revenue Code or (ii) promoting, marketing or recommending to another p
any transaction or matter addressed herein.
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